

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

UNITED STATES OF AMERICA,)
)
)
)
v.) **CRIMINAL No. 2:16-CR-180-DBH**
)
JOSEPH KEENE,)
)
)
DEFENDANT)

ORDER ON DEFENDANT'S MOTIONS

The defendant's motion for leave to appeal in forma pauperis (ECF No. 92) is **DENIED** as not in good faith and frivolous, 28 U.S.C. § 1915(a)(3), (e)(2)(B)(i), because it is inexcusably late¹ and because he previously waived his right to appeal a sentence of the length I imposed here (ECF No. 39).²

The defendant's motion for a transcript at government expense (ECF No. 93) is **DENIED**. Under 28 U.S.C. § 753(f), transcript reimbursement is not allowed for a frivolous appeal.

So ORDERED.

DATED THIS 27TH DAY OF JUNE, 2018

/S/D. BROCK HORNBY

D. BROCK HORNBY

UNITED STATES DISTRICT JUDGE

¹ Judgment was entered on April 12, 2018, and I told the defendant at sentencing that he had to file any notice of appeal within 14 days or he would be unable to proceed further. He filed no such notice until the purported notice of appeal attached to his motion docketed on June 20, 2018.

² He also failed to provide a financial affidavit, but even if he had provided a qualifying affidavit, I would deny the motion for the reasons stated in text.